

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LATANGYA JACKSON,	}	
Plaintiff,	}	Civil Action No.
v.	}	1:16-cv-01029-ODE-WEJ
NATIONAL CREDIT SYSTEMS, INC.,	}	
Defendant.	}	

PLAINTIFF'S MOTION FOR AWARD OF ATTORNEY FEES

Plaintiff hereby moves this Court for an award of attorney fees and in support thereof, avers as follows:

1. This action was filed against National Credit Systems, Inc., on March 30, 2016. (Doc. 1).
2. The Complaint alleged that the Defendant violated the provisions of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et. seq.* ("FDCPA") and the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* ("TCPA").
3. The Complaint requested relief in the form of actual damages, statutory damages, costs and attorney's fees.
4. On September 6, 2017, the parties agreed that Defendant would pay Plaintiff \$2,000.00 in damages and reasonable attorney's fees and costs. See Doc.

48, p. 1, wherein Defendant admits that it agreed to pay reasonable attorney's fees and costs under the FDCPA; see also Doc. 44.

5. However, Defendant did not pay Defendant \$2,000 in damages nor reasonable attorney's fees, necessitating a motion to enforce settlement agreement. (Doc. 44). The Motion was granted and the Judgment in A Civil Case was entered on April 26, 2018, awarding Plaintiff \$15,180.60 in attorney's fees and costs. (Doc. 55).

6. Rather than pay Plaintiff's reasonable costs and attorney's fees after Plaintiff was made to file a motion to enforce the settlement agreement, or after this Court awarded attorney's fees, Defendant filed an appeal. (Doc. 59).

7. Defendant did not file an appellate brief so the appeal was dismissed, but not until after Plaintiff had expended many hours in attorney's time due to Defendant's filings. (Doc. 67). Further, Defendant obtained a stay of execution and discovery, despite failing to pay the supersedious bond that it was ordered to pay, suffering Plaintiff to delay collection of the judgment for several months. (Doc. 66). Plaintiff continues to expend attorney's fees in order to collect the awarded time.

8. The tasks undertaken by Plaintiff's counsel to reach the successful resolution of this case are set forth in the schedule of time expended included in the Affidavit of Attorney's fees submitted herewith.

9. The hourly rates of Plaintiff's counsel are the actual hourly rates charged by counsel in complex and contingent litigation of the type pursued here. The hourly rates are consistent with the rates charged by other attorneys of similar experience and qualifications in this geographical area and are only slightly higher than the rate approved by this court and this judge and others in this circuit when Plaintiff's attorney, Orion G. Webb's rate was \$200 per hour.

WHEREFORE, Plaintiff requests that she be awarded reasonable attorney's fees that have accrued since the filing of her Motion to Enforce Settlement Agreement, including all attorney's fees and costs accrued through and including any hearing necessary to obtain an order on this motion.

This 6th day of September, 2018.

Respectfully submitted,

SMITH, WELCH, WEBB & WHITE, LLC
/s/ Orion G. Webb
Orion G. Webb, Esq.
Georgia Bar No. 479611
Attorney for Plaintiff

280 Country Club Drive, Suite 300
Stockbridge, Georgia 30281
(770) 389-4864 (phone)
(770) 389-5193 (fax)
owebb@smithwelchlaw.com

CERTIFICATE OF SERVICE

This is to certify that on this day, I electronically filed the above pleading with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to attorneys of record.

SMITH, WELCH, WEBB & WHITE, LLC

/s/ Orion G. Webb

Orion G. Webb
Attorney for Plaintiff
Georgia State Bar No. 479611

CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 5.1

Plaintiff's counsel hereby certifies that this pleading has been prepared with one of the font and point selections approved by the Court in L.R. 5.1.

SMITH, WELCH, WEBB & WHITE, LLC

/s/ Orion G. Webb

Orion G. Webb
Attorney for Plaintiff
Georgia State Bar No. 479611

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owebb@smithwelchlaw.com (e-mail)